

FILED
ASHEVILLE, N. C.

AUG - 8 2006

U.S. DISTRICT COURT
W. DIST. OF N. C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

IN RE: REAL PROPERTY LOCATED AT)
504 WEST MAIN STREET, GLEN ALPINE,))
NORTH CAROLINA, 28602, AS MORE)
PARTICULARLY DESCRIBED IN A DEED))
RECORDED AT BOOK 647, PAGE 891, IN)
THE BURKE COUNTY, NORTH)
CAROLINA, PUBLIC REGISTRY)
_____))
FILE IN GRANTOR INDEX UNDER:)

/s/ bmc 87

**ORDER
AND LIS PENDENS**

_____ROBERT BLAKE KELLER_____

WHEREAS, the United States of America, by and through Special Agent Chris Chambliss, North Carolina State Bureau of Investigation, Carolina, has presented an affidavit to the Court alleging that the above-captioned property was involved in or facilitated controlled substances trafficking and/or money laundering and/or was the proceeds of such criminal activity, in violation of 21 U.S.C. §801 *et seq.* and/or 18 U.S.C. §§1956-1957; and,

WHEREAS, the Court, having reviewed the affidavit, finds that there is probable cause to believe that the property was involved in or facilitated controlled substances trafficking and/or money laundering and/or was the proceeds of such criminal activity, in violation of 21 U.S.C. §801 *et seq.* and/or 18 U.S.C. §§1956-1957; and,

WHEREAS, upon this finding of probable cause, the property may be subject to criminal or civil forfeiture to the United States pursuant to 18 U.S.C. §§ 981 and 982, and/or 21 U.S.C. §§ 881 and 853, and the government is entitled to record a lis pendens to give public notice of the government's forfeiture interest and potential civil and/or criminal forfeiture claim against the property;

THEREFORE, the United States is directed forthwith to file this Order and Lis Pendens with the appropriate state or local public depository to prevent the flight or transfer of the property so that the United States may initiate action to adjudicate forfeiture of the property; and,

ALL WHO READ THIS ORDER AND LIS PENDENS TAKE NOTICE that the property is subject to forfeiture to the United States in a present or future criminal or civil *in rem* action before this Court, and any person who has a question as to this action should contact:

United States Attorney
for the Western District of North Carolina
Attn: Thomas R. Ascik, Assistant United States Attorney
100 Otis Street
Asheville, North Carolina
(828) 271-4661

This the 8th day of August, 2006


UNITED STATES MAGISTRATE JUDGE

TO THE RECORDER OF THIS INSTRUMENT: MAIL ANY AND ALL RECORDED COPIES TO THE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA AT THE ABOVE ADDRESS.

AFFIDAVIT

Chris Chambliss, first being duly sworn, avers,

I am a special agent with the North Carolina State Bureau of Investigation,

The following report contains information as it relates to a business identified as Keller Motor Company and located at 504 West Main Street, Glen Alpine, North Carolina 28602.

1. On February 25, 2003, BCNTF Officer Smith and Lloyd located state arrest warrants on Mark Young Biggerstaff. On this date the officers traveled to Keller Motor Company located at 504 West Main Street, Glen Alpine, North Carolina. Upon their arrival the officers observed Biggerstaff exit garage whereas he was immediately taken into custody without incident. A search of his person yielded a quantity of methamphetamine. Robert Blake Keller was present at the garage and gave verbal consent to the officers to search the premises. The search of the premises yielded scales, foil and several large bags that returned a positive yield when field tested. The methamphetamine located on the person of Biggerstaff was submitted to the NC SBI laboratory for chemical analysis. The results of the test returned positive for 13.3 grams of methamphetamine.
2. On February 26, 2003, Mark Young Biggerstaff, W/M/DOB: 11-17-1969, was interviewed by McDowell County Sheriff's Office Inv.'s Turner and Buchanan. Biggerstaff advised the officers that around January 2002 he ~~would~~^{had} met a Kale or Cale from Rutherford County at Keller Motor Company and purchase methamphetamine from him. He ~~would also~~^{had also} purchase small amounts of methamphetamine from Robert Blake Keller at Keller Motor Company.
3. On March 26, 2003, BCNTF Inv.'s Warlick, Hasson and Smith along with Glen Alpine Police Chief traveled to Keller Motor Company located at 504 West Main Street, Glen Alpine, North Carolina. The purpose of the trip was to serve a state of North Carolina arrest warrant on Mark Young Biggerstaff for "possession with intent to sell and deliver methamphetamine". Upon arrival at the garage Biggerstaff was located and taken into custody without incident. A search of his person yielded the location of an ink pen tube with white powdery residue upon it. The tube and residue were submitted to the NC SBI laboratory for chemical analysis which returned a positive result for methamphetamine.
4. On May 7, 2003, A Confidential Source of Information (CSI), in the capacity of undercover and under the direction of the Burke County Narcotics Task Force traveled to Keller Motor Company for the purpose of purchasing a quantity of methamphetamine. While the CSI was there Robert Blake Keller was present as well. Keller walked into the bathroom and Mark Biggerstaff entered into the bathroom as well. A couple of minutes later Biggerstaff and Keller walked out of the bathroom. Biggerstaff handed the CSI a brown bag the contained methamphetamine and Keller had \$350 in his shirt pocket. This money was utilized for the purchase of the methamphetamine. When the CSI departed the location Keller informed the CSI to hurry back if he/she was coming back to do the same deal again. The CSI purchased approximately 7 grams of methamphetamine.
5. On August 25, 2003, a state of North Carolina search warrant was issued and executed on a business identified as Keller Motor Company and located at 504 West Main Street, Glen Alpine, North Carolina. Pursuant to the search warrant officers located inside of the business a white pill in the bathroom of the garage. The pill was submitted to the NC SBI

laboratory whereas it returned as 1 dosage unit of Dihydrocodeinone. During the course of the search Joseph Nelson Smith entered onto the property whereas a consent search of his person yielded the location of methamphetamine. When interviewed Nelson advised the methamphetamine had been purchased from Robert Blake Keller.

6. On August 25, 2003, Joseph Nelson Smith, W/M/DOB: 07-05-1963, was interviewed by NC SBI S/A C.M. Chambliss. Smith was interviewed at Keller Motor Company as officers had executed a search warrant on the premises and he had walked upon it. Smith informed the officers that he saw the light come on at Keller Motor Company and decided to walk to the establishment and check it out. Officers received consent to search his person whereas methamphetamine was located on him. Smith advised that the methamphetamine had been purchased from Robert Blake Keller.
7. On August 25, 2003, Thomas Jackson Smith, W/M/DOB: 01-18-1962, was interviewed by NC SBI S/A C.M. Chambliss. Smith informed S/A Chambliss that on August 23, 2003, he had been at Keller Motor Company and saw several people using methamphetamine while he was there. Smith advised that he did not pay attention to who the other people were but did see Robert Blake Keller using methamphetamine.
8. On December 06, 2004, a fight involving a firearm occurred at Keller Motor Company located at 504 West Main Street, Glen Alpine, North Carolina. Deputies responded to the residence whereas one of the officers observed Robert Blake Keller attempting to dump a substance into the toilet. Keller was detained and the object was retrieved from the toilet. The object was one clear plastic bag containing an off-white rock like piece. The piece was field tested and returned positive for methamphetamine. The piece was submitted to the NC SBI laboratory for chemical analysis whereas it yielded a positive result for methamphetamine. Inside of the garage officers also located digital scales, smoking devices and marijuana on an individual inside of the garage.
9. On December 06, 2004, Robert Blake Keller, W/M/DOB: 11-30-1960, was interviewed by NC SBI S/A C.M. Chambliss and BCNTF Inv.'s A.C. Cobb and R.E. Hasson. Keller informed the officers that he dumped the methamphetamine that was in the garage because he did not know who had been there and put it there. Keller further stated that the methamphetamine was in an orange container and the container was his.
10. On January 25, 2005, Charles Swatzell, Jr., W/M/DOB: 01-23-1962, was interviewed by NC SBI S/A C.M. Chambliss and BCNTF Inv. D.B. Dellinger. Swatzell informed the officers that concerning the methamphetamine that was found on him today, he called Keller Motor Company and talked with Tommy Smith and informed him that he was being pulled over and pitching methamphetamine.
11. On May 11, 2005, Kenneth Robert Hildebrand, W/M/DOB: 05-10-1968, was interviewed by NC SBI S/A C.M. Chambliss and BCNTF Inv. R.E. Hasson. Hildebrand advised that in the past he has purchased methamphetamine at Keller Motor Company.


12. On June 27, 2005, Barry Gene Deal, W/M/DOB: 05-22-1977, was interviewed by NC SBI S/A C.M. Chambliss and BCNTF Inv.'s R.E. Hasson and D.B. Dellinger. Deal advised that in the past he has seen Mark Biggerstaff and Charles Swatzel, Jr. either buy or sell methamphetamine at a back room in the garage. He has seen others sell dope at the garage, and the last time he saw this would be each and every time that he goes to the garage.
13. On July 05, 2005, Tedra Nickell Rhoney, W/F/DOB: 03-13-1986, was interviewed by NC SBI S/A C.M. Chambliss and BCNTF Inv. D.B. Dellinger. Rhoney advised that in past she has seen the following individuals sell methamphetamine at Keller Motor Company: Tommy Smith, Nelson Smith, Tracy Green and Jennifer LNU.
14. On July 12, 2005, Bart McClean Keller, W/M/DOB: 09-26-1967, was interviewed by NC SBI S/A C.M. Chambliss, ATF S/A J.E. Bivens, and BCNTF Inv. D.B. Dellinger. Keller advised that he is the brother of Robert Blake Keller and informed the officers that he was tired of getting stopped by the police for the illegal stuff that they do at the garage.
15. On September 14, 2005, Jennifer Michelle Albrecht, W/F/DOB: 12-28-1972, was interviewed by NC SBI S/A C.M. Chambliss and BCNTF Inv. M.J. Lawing at the Burke County Sheriff's Office. Albrecht informed the officers that since October 2003 she has delivered methamphetamine for Robert Blake Keller to the people who work at Keller Motor Company six times.
16. On September 29, 2005, Thomas Joseph Jenkins, W/M/DOB: 03-24-1965, was interviewed by NC SBI S/A C.M. Chambliss and BCNTF Inv.'s D.B. Dellinger and T.E. Buchanan. Jenkins advised that in the late 1990's he would hang out at Keller Motor Company and everyone there would drink beer, use cocaine, methamphetamine and crystal methamphetamine.
17. On November 04, 2005, Caroline Faye Hyatt, W/F/DOB: 08-14-1976, was interviewed by NC SBI S/A C.M. Chambliss, ATF S/A Jamie Bivins and BCNTF Inv. T.E. Buchanan. Hyatt advised that in 2002 she used methamphetamine at Keller Motor Company with Mark Biggerstaff and Jennifer Swichard Albrecht.
18. On January 06, 2006, Harold Nick Robinson, W/M/DOB: 02-05-1974, was interviewed by NC SBI S/A C.M. Chambliss and BCNTF Inv. D.B. Dellinger. Robinson informed the officers that in the past he has been to Keller Motor Company and seen people with methamphetamine. Robinson added that in 2004 he purchased methamphetamine from Tommy Jenkins in the parking lot of Keller Motor Company for a total of eight times.
19. On March 17, 2006, James Patrick Hoyle, W/M/DOB: 08-02-1972, was interviewed by NC SBI S/A C.M. Chambliss and S/A M.A. Sharpe. Hoyle informed the officers that in the summer of 2005 he did five deals crystal methamphetamine deals with Mark Biggerstaff at Keller Motor Company.



Chris Chambliss, SBI Agent

Subscribed and sworn before me this date,

This the 8th day of August, 2006,

A handwritten signature in black ink, appearing to read "Dennis L. Howell", is written over a horizontal line.

DENNIS L. HOWELL

UNITED STATES MAGISTRATE JUDGE